

IN THE UNITED STATES
NORTHERN DISTRICT COURT OF CALIFORNIA

PRESENTING EMERGENCY MOTION
IN

FILED

APR 09 2008

MICHAEL LYNN WATERS - PLAINTIFF,
VS.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WARDEN - COOK - DEFENDANT(S),

TO: JUDGE:

THE HONORABLE
CHARLES R. BREYER

(1 OF 2)

IN PRO SE
MICHAEL LYNN WATERS
#P-16171 A-1-208
PELICAN BAY STATE PRISON
P.O. BOX 7500
CRESCENT CITY, CALIFORNIA
95532

MEMORANDUM OF UNDISPUTED FACTS

C-07-4683 CRB(PR)

PLAINTIFF CONTENTS THAT DUE TO PRISON OFFICIALS RETALIATION HAS SHOWN A "CAMPAIGN OF HARASSMENT." (BART V. TELFORD, 677 F.2d 622 (7TH CIR. 1982))

PUNITIVE DAMAGES OF (\$10,000.00) DOLLARS SHOULD BE AWARDED WHEN THE DEFENDANTS CONDUCT IS SHOWN TO BE MOTIVATED BY EVIL MOTIVE AND INTENT, OR WHEN IT INVOLVES RECKLESS OR CALLOUS INDIFFERENCE TO THE FEDERALLY PROTECTED RIGHTS OF OTHERS." (SMITH V. WADE, 461 U.S. 30, 56, 103 S. CT. 1625, 1640, 75 L. ED. 2d 632 (1983)).

DUE TO LAW-LIBRARY- HAVING MY MOTION TO THIS COURT: (EXHIBIT-A) THE LETTER OF, AND, UNKNOWN INVESTIGATOR CLAIMING THAT PLAINTIFF IS PAYING PROTECTION TO ANOTHER INMATE WHO IS ON LOCKDOWN AS WELL, NOW PLAINTIFF HAS LOST ALL MEANS OF SUPPORT FROM HOME, MAIL, PHONE CALLS, PACKAGES). (DUE PROCESS CLAUSE RIGHTS (1ST AMENDMENT))

WHEREAS, PLAINTIFF REQUEST THAT THE CLERK OF COURT FORWARD A COPY TO DEFENDANT(S) COUNSEL, DUE TO OFFICIALS TAKING (ALL) MAIL COMING IN OR OUT THATS NOT FROM THE COURTS

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

4/3/08
/DATED

Michael Lynn Wooters
SIGNATURE

PROOF OF SERVICE

I MICHAEL LYNN WATERS HEREBY DECLARE/CERTIFY THAT I AM OVER THE AGE OF (18) YEARS AND A PARTY TO THE WITHIN ACTION. ON 4/3/08 I SERVED THE ATTACHED DOCUMENTS ON THE LISTED PARTY(S) BELOW: BY PLACING SAID DOCUMENTS IN THE U.S. MAIL HERE AT PELICAN BAY STATE PRISON - P.O. BOX 7500 CRESCENT CITY, CA 95532:

JUDGES CLERK

U.S. NORTHERN DISTRICT
COURT OF CALIFORNIA
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA
94102

LILY A. KARMAN

OFFICE OF THE ATTORNEY
GENERAL
455 GOLDEN GATE AVE.
SUITE 11000,
SAN FRANCISCO, CA
94102-7004

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

4/3/08
DATED

Michael Lynn Waters
SIGNATURE

6

EXHIBIT

11

11

R

DECLARE
UNDER PENALTY OF
PERJURY THE FOREGOING IS
TRUE + CORRECT.

YOU MAY CALL
AS WELL SIR

Lonell Wright
7696 Stevenson Way
San Diego, CA 92120
Lonell@joimail.com
504 494 8021 or 619 564 8222
February 18, 2008

PLEASE SEE
PAGE-(2)
SIR
UNDERLINE

1/3/08
DATED:
shaojun
SIGNATURE

Dear Son,

I hope you are well and having a great day. We are all well down this way and grateful for life and health.

I need to apologize to you. Somehow, I have lost your last two letters. I am pretty sure they may have been accidentally knocked into the trashcan next to my desk. I had opened them and left them on the desk for reading the next day. When I realized they were missing and was looking for them, the trashcan had been emptied and the refuse truck had run and emptied the large, outside trashcan. I am very sorry and ask your forgiveness. I know one was postmarked Feb. 11th. Maybe there was only one from you and the one from Charles. I have the one from him.

In your letter of Jan 21st, you asked many questions. I am photocopying your questions and writing answers to them. They are enclosed. I will answer each question as they all are important to me if they are important to you. The ones that require a long answer, I will refer to by number and answer. As you can see from the enclosed, I have answered them all.

Michael, sometimes I get just a little tired of your accusations and insinuations. I try very hard to understand what you are saying in your letters. You say that I am "ALWAYS assuming: What do you mean when you say "1) that I would receive (2) packages at the same time:"))? This is the direct quote from your letter.

Son, as strange as it may seem to you, I do try to understand and I try to be responsive to your requests. They change rather drastically from time to time and do not quite know what to do. This letter is delayed because I had written some words that would not have been helpful so I have gone back on today (Feb. 29) and eliminated many of them and altered them so that, hopefully, they will be an indication that I really do want to help and I do not want to be a stumbling block to you. You need to understand that I spend a lot of time, energy, and a great deal of money trying very hard to be responsive to you and your many requests. It seems to me that no matter what I do, it isn't enough. Michael, I will just do what you ask. I will not offer suggestions or opinions when what you are asking is not within my power or is outside what I am willing to do for financial or other reasons.. No son, I will not send Mr. Bloom up there. The cost of such a visit would be enormous. If you want him to represent you, find a way to get to him what you want him to do.

Michael, you said you want to be left alone. Is this what you really want? If yes, I will comply. If no, do not tempt me. I may grant your request some day.

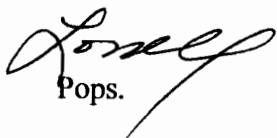
You have recently sent me two or three of your "SIR" letters. Please keep them in the future. They do nothing to foster a stronger relationship.

You requested that I send the legal papers you sent back to you. While gathering them, I received three large manila envelopes stuffed with legal documents. Is it your desire that I send those back also?

I sent the check to Charles. The prison authorities sent it back, fearing that you may be paying for protection or some such thing.

A suggestion to save postage; You may consider gathering your thoughts for several days and including them in the same envelope, rather than sending two to four letters in the same week.

Michael, I pray for you every day, that you will be healed and that the inequities you received during your incarceration and trial will somehow be corrected. Be of good cheer and have faith.


Joseph
Pops.

~~Pops.~~

MICHAEL LYNN WATERS #P-16171

A-1-208

PELICAN BAY STATE PRISON

P.O. BOX 7500

CRESCENT CITY, CALIFORNIA

95532

Legal mail

RECEIVED APR - 8 2008

PELICAN BAY STATE PRISON

5905 Lake East Dr
Crescent City CA 95532



02 1M
APR 04 2008
MAILED FROM ZIP CODE 95531

\$00.580

CHARLES R. BREYER

UNITED STATES NORTHERN
DISTRICT COURT OF CALIFORNIA
450 GOLDEN GATE AVE,
SAN FRANCISCO, CALIFORNIA

94102

5410233661 C004

